

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IVAN ARMIJO,

Plaintiff,

v.

Civ. No. 20-355 GBW/SMV

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SOCORRO, *et al.*,

Defendants.

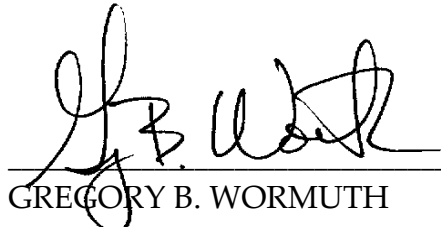
**ORDER DENYING LEAVE TO FILE A RESPONSE TO PLAINTIFF'S SUR-REPLY
AND DEFERRING JUDGMENT ON MOTION FOR ORAL ARGUMENT**

THIS MATTER comes before the Court on Defendants' Motion for Leave to File a Response to Plaintiff's Sur-Reply and/or for Oral Argument on Defendants' Motion for Summary Judgment Based on Qualified Immunity. *See doc. 115*. Defendants request permission "to file a short, 5-page, response to Plaintiff's sur-reply for the limited purpose of addressing new case law submitted in Plaintiff's sur-reply." *Id.* at 1. The "new case law" is *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), *see id.*—a seminal case about summary judgment procedure cited by Defendants in their reply, *see doc. 103* at 2—which Plaintiff thrice cites for the axiomatic principle that the Court cannot make credibility determinations at summary judgment, *see doc. 113* at 3, 5-6. Given the seminal nature of the case, Defendants' citation to it in their reply, and Plaintiff's

citation to it for an undisputed legal proposition, the Court need not receive additional briefing on the case's application to Defendants' Motion for Summary Judgment.

IT IS HEREBY ORDERED that Defendants' Motion for Leave to File a Response to Plaintiff's Sur-Reply and/or for Oral Argument on Defendants' Motion for Summary Judgment is DENIED IN PART as to the request for leave to respond to Plaintiff's sur-reply. The Court DEFERS JUDGMENT on the remainder of the Motion.

IT IS SO ORDERED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE
Presiding by consent